

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Applications of GTE Corporation)	CC Docket No. 98-184
and Bell Atlantic Corporation)	
for Consent to Transfers of)	
FCC Licenses and Authorizations)	

**REPLY COMMENTS OF THE COMMONWEALTH OF
THE NORTHERN MARIANA ISLANDS**

The Commonwealth of the Northern Mariana Islands ("Commonwealth"), by its attorney, hereby submits its reply comments with respect to the above-captioned applications for consent to transfer control of the licenses of GTE Corporation ("GTE") and its operating subsidiaries from GTE to Bell Atlantic Corporation ("Bell Atlantic").¹

As indicated below and in its Petition to Condition Grant ("Petition") filed in this proceeding on November 23, 1998, the Commonwealth believes that any approval of the proposed Bell Atlantic/GTE merger should be conditioned on strong measures designed to open local telecommunications markets to competition. As a number of parties filing on November 23, 1998 contend, such conditions should be at least as rigorous as those imposed by the Commission in its Bell Atlantic/NYNEX Order.² Further, as addressed below, the Commission

¹ See Applications for Transfer of Control of GTE Corporation and Bell Atlantic Corporation (Oct. 2, 1998). See also GTE Corporation and Bell Atlantic Corporation Seek FCC Consent for a Proposed Transfer of Control and Commission Seeks Comment on Proposed Protective Order Filed by GTE and Bell Atlantic, Public Notice, CC Dkt. No. 98-184, DA 98-2035 (Oct. 8, 1998).

² In Re NYNEX Corporation Transferor, and Bell Atlantic Corporation Transferee, For Consent to Transfer Control of NYNEX Corporation and Its Subsidiaries, Memorandum Opinion and Order, 12 FCC Rcd. 19985, 20107 (1997) ("Bell Atlantic/NYNEX Order").

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must also consider the proposed merger's likely impact upon customer service quality.

I. BACKGROUND

In its Petition, the Commonwealth urged the Commission to impose appropriate and necessary conditions prior to approving the proposed merger. In particular, the Commonwealth maintained that Bell Atlantic/GTE should be required to commit to 1) maintaining *fully* integrated rates across all affiliated companies covering *all* services offered (including Commercial Mobile Radio Services) and 2) at a minimum, the conditions contained in the Commission's authorization of the Bell Atlantic/NYNEX merger as well as other necessary conditions. In support of the first condition, the Commonwealth's Petition highlighted the importance of ensuring full compliance with the national policy of rate integration, while, in support of the second condition, its Petition stressed the lack of local competition in the Commonwealth notwithstanding the fact that the GTE affiliate which provides local telephone service in the Commonwealth, Micronesian Telecommunications Corporation, has received at least two interconnection requests.

II. APPROVAL SHOULD BE CONDITIONED ON STRONG MEASURES DESIGNED TO OPEN LOCAL TELECOMMUNICATIONS MARKETS TO COMPETITION

Several parties contend that the transaction should be conditioned upon strong measures designed to open local markets on a broad-scale basis to competition.³ For example, according to the Public Utility Commission of Texas, "we advocate preconditioning approval of the merger

³ See, e.g., Comments of the Public Utility Commission of Texas at 8 (filed Nov. 23, 1998); GST Telecom Inc.'s Comments in Opposition to the Transfer of Control at 9 (filed Nov. 23, 1998).

on affirmative proof that GTE-SW's local markets are irrevocably open to competition."⁴ The Commonwealth supports this position which is consistent with its request that approval of the proposed transaction be premised on conditions which will promote competition in local telecommunications markets.

Like the Commonwealth, a number of parties also take the position that any conditions imposed on the proposed transaction should be at least as demanding as those imposed by the Commission in the Bell Atlantic/NYNEX transaction. For example, the Telecommunications Resellers Association (TRA) states that "the Commission should require commitments no less compelling, and indeed, should impose conditions substantially more demanding, than those extracted from Bell Atlantic and NYNEX...."⁵ TRA justifies its position by pointing to the dwindling number of large incumbent LECs and the need for additional reforms to realize broad scale local competition. RCN Telecom Services, Inc. proposes numerous additional conditions designed to facilitate and promote local competition which transcend the requirements imposed on the Bell Atlantic/NYNEX transaction.⁶ The Commonwealth concurs that any conditions imposed on the instant transaction must be at least as rigorous as those imposed on the Bell Atlantic/NYNEX transaction. In light of the greater competitive concerns the instant transaction presents, the Commission must necessarily give careful consideration to proposed conditions, beyond those adopted in the Bell Atlantic/NYNEX Order, designed to foster broadscale local competition.

⁴ Comments of the Public Utility Commission of Texas at 8.

⁵ Comments of the Telecommunications Resellers Association (filed Nov. 23, 1998) at 2-3.

⁶ Comments of RCN Telecom Services, Inc. (filed Nov. 23, 1998) at 21-28.

III. THE PROPOSED MERGER'S IMPACT UPON SERVICE QUALITY MUST BE CAREFULLY CONSIDERED

As several parties submitting filings on November 23, 1998 demonstrate, the Commission must take into account the proposed merger's impact on service quality and carefully assess whether specific service quality commitments are warranted. The Commonwealth concurs.

In their November 23, 1998 submissions, several parties express concern over the proposed Bell Atlantic/GTE merger's potential to degrade service quality.⁷ According to the Comments of the Consumer Groups,

The planned expansion into other RBOCs' regions would likely be accomplished with revenues derived from the Joint Applicants' captive ratepayers. This could be compounded by deterioration of service quality to the Joint Applicants' current customers and a reduction in commitment to universal service within their current service territories, as the merged company shifts its focus to expansion outside its territory.⁸

In her testimony before the Commission's En Banc hearing on December 14, 1998, Regina Costa of The Utility Reform Network supplies direct evidence of this shift in focus and the concomitant deterioration in service quality in the case of the 1997 merger of Pacific Telesis Group and SBC Communications, Inc.⁹ According to Ms. Costa, following that 1997 merger, customer complaints before the California Public Utilities Commission increased and service deteriorated in other ways. Indeed, Ms. Costa's testimony raises serious questions as to whether

⁷ The importance of assessing service quality issues in the context of the Bell Atlantic/GTE merger cannot be underestimated. In his opening statements at the Commission's December 14, 1998 En Banc hearing regarding telecommunications mergers, Chairman William E. Kennard repeatedly emphasizes the importance of a merger's impact on telephone service quality. As he indicates, a merger's impact on service quality should be one of the primary questions addressed in analyzing a proposed merger under the public interest standard.

⁸ Comments of Consumer Groups (filed Nov. 23, 1998) at ii-iii.

⁹ In Re Pacific Telesis Group and SBC Communications, Inc., 12 FCC Rcd 2624 (1997).

consumers were affirmatively harmed by that merger, emphasizing the need for a careful assessment of service quality impact in this proceeding.

Finally, it must be noted that the proposed Bell Atlantic/GTE merger also threatens service quality by curtailing the Commission's ability to adequately monitor service quality. In its Bell Atlantic/NYNEX Order, the Commission acknowledges this adverse effect of large incumbent local exchange carrier mergers:

a decrease in the number of Bell Companies impairs the Commission's ability to monitor service quality....If the number of large incumbent LECs is reduced, the Commission would obtain service quality information from fewer independent entities. As a result, the commission would have fewer diverse sources of information about the service quality of incumbent LECs.¹⁰

The Commonwealth, therefore, believes that the proposed merger's impact upon service quality levels--and the Commission's ability to effectively monitor them--should be carefully considered.

IV. CONCLUSION

As the Commonwealth demonstrates in its Petition, the proposed transaction should be conditioned upon implementation of conditions designed to ensure that consumers in the Commonwealth receive the full benefits of both low, fully integrated rates and local telecommunications competition. Approval should be conditioned on strong measures--at least as rigorous as those imposed in the Bell Atlantic/NYNEX Order--designed to open local markets

¹⁰ Bell Atlantic/NYNEX Order at 20060.

to competition. Finally, the Commission should carefully consider the proposed merger's impact upon service quality issues.

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A handwritten signature in black ink, appearing to read "Thomas K. Crowe", written over a horizontal line.

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December 23, 1998

CERTIFICATE OF SERVICE

I, Melissa Sheehy, a paralegal with the Law Offices of Thomas K. Crowe, P.C., do hereby certify that on this 23rd day of December, 1998, a copy of the foregoing "Reply Comments of the Commonwealth of the Northern Mariana Islands" was served by first class United States mail, postage pre-paid, or by hand delivery where indicated by an asterisk (*), upon the parties listed below.

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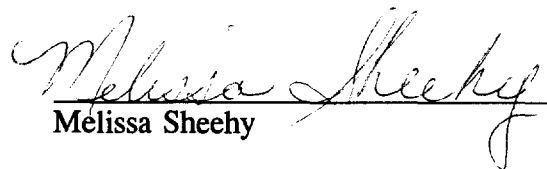
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